

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:05 CR 237 CAS
	)	DDN
IVAN EXCEL MASON,	)	
	)	
Defendant.	)	

**ORDER AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

This action is before the Court upon the pretrial motions of the parties which were referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b). An evidentiary hearing was scheduled for May 31, 2005.

On May 31, 2005, defendant Ivan Excel Mason appeared in open court, with counsel, and advised the undersigned that he had decided not to raise any issues by way of pretrial motions. He thereupon waived his rights to file pretrial motions and to have a pretrial hearing.

Whereupon,

**IT IS HEREBY ORDERED** that the motions of defendant for additional time to file pretrial motions (Doc. 20), and for discovery and disclosure (Doc. 22) are denied as moot.

**IT IS FURTHER ORDERED** that the motion of the government to dismiss the pretrial motions of defendant without an evidentiary hearing (Doc. 26) is denied as moot.

**IT IS HEREBY RECOMMENDED** that the motions of defendant to suppress physical evidence (Doc. 23) and to suppress statements (Doc. 24) be denied as moot.

The parties are advised they have ten (10) days to file written objections to this Order and Recommendation. The failure to file objections may result in a waiver of the right to appeal issues of fact.

A handwritten signature in cursive script, reading "David D. Noce". The signature is written in dark ink and is positioned above a horizontal line.

DAVID D. NOCE

UNITED STATES MAGISTRATE JUDGE

Signed on May 31, 2005.